

Olympia, Washington

September 18, 1957

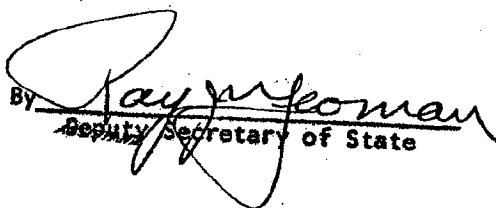
FILED
SEP 18 1957

Received from the Washington State
Liquor Control Board for filing:

VIC MEYERS
SECRETARY OF STATE

Rule and Regulation, amendatory to Regulation (49)
Beer Price Posting--Filing Contracts--Bills of Lading, being a
portion of TITLE III.--BREWERS, BEER WHOLESALERS, BEER IMPORTERS
AND HOLDERS OF CERTIFICATE OF APPROVAL, adopted by the Washington
State Liquor Control Board on September 18, 1957, to become effective
at 12:01 a.m., September 19, 1957.

VICTOR A MEYERS
Secretary of State

By 
Deputy Secretary of State

DEFENDANT'S EXHIBIT	
CASE NO.	C04-0360P
EXHIBIT NO.	443

Resp to Costco RFP
2888

TX443-001

C E R T I F I C A T I O N

To the Honorable Victor A. Meyers
Secretary of State
State of Washington
Olympia

THIS IS TO CERTIFY That the within Rule and Regulation
amendatory to Regulation (49) Beer Price Posting--Filing Contracts--
Bills of Lading, being a portion of TITLE III.--BREWERS, BEER WHOLE-
SALEERS, BEER IMPORTERS AND HOLDERS OF CERTIFICATE OF APPROVAL, was
adopted by the Washington State Liquor Control Board on the 18th day
of September, 1957, to become effective at 12:01 a.m., on September 19,
1957.


IN WITNESS WHEREOF, the Washington State Liquor Control Board has
caused its name to be hereunto subscribed and its seal affixed, this
18th day of September, 1957.

WASHINGTON STATE LIQUOR CONTROL BOARD

BY


DON G. ABEL - CHAIRMAN

ATTEST:


SECRETARY

WASHINGTON STATE LIQUOR CONTROL BOARD

Olympia

The following Regulation amendatory to Regulation (49), Beer Price Posting--Filing Contracts--Bills of Lading, being a portion of TITLE III.--BREWERS, BEER WHOLESALERS, BEER IMPORTERS AND HOLDERS OF CERTIFICATE OF APPROVAL, was adopted by the Washington State Liquor Control Board this 18th day of September, 1957, to become effective at 12:01 a.m., September 19, 1957:

(49) Beer Price Posting--Filing Contracts--Bills of Lading

(a) Price Posting. Within the meaning of this regulation, the term "zone" shall mean such "zones" adopted by the board, effective April 11, 1955, and as thereafter or hereafter amended, as trade areas within and for which price postings shall be made and filed as in this regulation provided.

Every licensed brewer and every beer importer shall file with the board at its office in Olympia price postings showing the wholesale prices at which any and all brands of beer manufactured by such brewer or imported by such beer importer shall be sold in each and every zone, which prices shall be uniform for all retail licensees in any particular zone. Prices posted shall be basically uniform in all zones on a statewide basis. Departures from uniform prices permitted by this regulation must be limited to additional cost of transportation or distribution. Prices posted for zones 2W and 3W shall not be lower than those posted for zone 1W. Prices posted for zones 2E and 3E shall not be lower than those posted for zone 1E. Prices posted for zone 1E shall not be lower than those posted for 1W. All price postings shall be consistent as between the various packages and containers offered for sale. Each price posting shall be made on a form prepared and furnished by the board and shall set forth:

(1) All brands, types, packages and containers of beer offered for sale by such brewer or beer importer.

(2) The delivered sale prices thereof to retail licensees within each and every zone, including allowances, if any, for returned empty containers.

No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as

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shown in the price posting filed by the brewer manufacturing such beer or by the beer importer importing such beer and then in effect.

No price postings involving quantity discounts shall be made. No price shall be posted which is below "cost" or below "cost of doing business" or a "loss leader" as those terms are defined in Regulation (124)(e).

No price posting shall become effective until ten days after the actual filing thereof with the Board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting. The board may reject any price posting which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect.

(b) Filing Contracts. Every licensed brewer shall file with the Board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewer may have with any beer wholesaler handling beer manufactured by such licensed brewer, which contracts or memoranda shall contain all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified the changed or modified contracts or memoranda shall forthwith be filed with the board.

Every holder of a certificate of approval shall file with the board at its office in Olympia a copy of every written contract and memorandum of every oral agreement which such certificate of approval holder may have with any importer whose beer such importer imports; the contracts or memoranda shall contain all terms of sale including all regular and special discounts; all advertising, sales and trade allowances; all commissions, bonuses or gifts and any and all other discount allowances. Whenever changed or modified, the changed or modified contracts or memoranda shall be forthwith filed with the board.

Every beer importer who sells any beer to another beer importer or to a beer wholesaler shall file with the board at its office in Olympia a copy of every written contract or memorandum of every oral agreement which such importer may have with such other beer importer or wholesaler whose beer such importer imports; which contracts or memoranda shall contain all terms of sale including all regular and special discounts; all advertising, sales and trade allowances; all commissions, bonuses or gifts and any and all other discount allowances. Whenever changed or modified, the changed or modified contracts or memoranda shall forthwith be filed with the board.

No licensed brewer shall sell beer manufactured by such brewer to any person whatsoever until copies of such written contracts or memoranda of such oral agreements with such wholesaler are on file with the board.

No beer importer shall sell any beer imported by such importer to any person whatsoever until copies of such written contracts or memoranda of such oral agreements with the out-of-state brewer manufacturing such beer are on file with the board; nor shall any beer importer sell any beer imported by such importer to any beer wholesaler until copies of such written contracts or memoranda of such oral agreements with such beer wholesaler are on file with the board.

(c) Holders of certificates of approval may ship beer into this state when the same has been sold and consigned to the holder of an importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the beer diverted unless such diversion is to another importer and/or beer wholesaler.

(d) All price postings, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(e) Any provision of this regulation may by order of the board be suspended or modified without notice to meet emergencies.

IT IS ORDERED That copies of the foregoing Regulation (49) be filed in the office of the Secretary of State.

WASHINGTON STATE LIQUOR CONTROL BOARD

Don G. Abel
Don G. Abel, Chairman

Fred C. Koch
Fred C. Koch, Member

C. W. Bryant
C. W. Bryant, Member

ATTEST:

Carmen Phillips
Secretary

Approved as to Form:

Arthur Mickey
Arthur Mickey
Assistant Attorney General